

Court File No. CV-22-30791

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:

AUTOMOTIVE PARTS MANUFACTURERS' ASSOCIATION

Plaintiff/Moving Party

AND:

JIM BOAK, JOANNE CALLAWAY, HILDA FISHER, LORI INVERARITY, LEO LUCIO, GIL PONTE,
MANBAE SINGH-GALL, DARLENE THOMPSON and JOHN DOE

Defendants/Responding Parties

AND:

THE CORPORATION OF THE CITY OF WINDSOR, ATTORNEY GENERAL FOR ONTARIO and THE
DEMOCRACY FUND

Intervenors

AFFIDAVIT OF NICHOLAS WANSBUTTER

I, Nicholas Wansbutter, of the city of Stratford, in the County of Perth, in the Province of Ontario

MAKE OATH AND SAY (*or* AFFIRM):

1. I am a lawyer in good standing with the Law Society of Ontario and have knowledge of the matters herein deposed;
2. I received and reviewed a copy of the Order of Chief Justice Geoffrey B. Morawetz dated February 11, 2022 (herein "Order") and have familiarized myself with the terms contained therein;
3. I accessed and reviewed a news article published online by CTV News Windsor dated February 15, 2022 (herein "Article") which indicates that "A court injunction was granted to have the blockade removed on Friday", and that "enforcement results" have included "a total of 90 charges, 46 arrests and 37 vehicles seized". A copy of the Article is attached hereto as **EXHIBIT "A"**;
4. The Article also includes a "breakdown of enforcement results" which indicates that of the 90 charges laid by police, 43 charges are for breaching a court order and 43 charges are for mischief over \$5,000;

5. Between February 11, 2022 to date, I have been personally contacted by several persons described by the Article as “Protestors” who are now facing criminal charges in relation to the Order for activities which occurred in Windsor, Ontario, a number of whom were arrested despite having been physically located on the sidewalk or grass, or other locations which are not in the vicinity of the entrance to the Ambassador bridge. To the best of my information and belief, such persons were in no way impeding or blocking access to the Ambassador Bridge or otherwise in violation of the Order.
6. For example, I have been informed by a client that she was arrested while peacefully sitting on the grass in a manner that in no way breaches the terms of the Order. Based on my inquiries and review of photographic and video evidence, I verily believe that information to be true. A screenshot and link to a video depicting the arrest is attached hereto as **EXHIBIT “B”**;
7. I have observed online video evidence of peaceful individuals protesting in a manner appearing to be consistent with their rights as guaranteed by the *Canadian Charter of Rights and Freedoms* while being located at the pedestrian sidewalk at the North-East corner of intersection of Huron Church Rd and Tecumseh Rd (more than 1 km away from the entrance to the Ambassador Bridge) being threatened with arrest. A screenshot and link to the video depicting the incident is attached hereto as **EXHIBIT “C”**.
8. I have observed online video evidence of peaceful protestor being ambushed from behind by police in a violent arrest while holding a home-made sign at the Esso Gas Station located at Tecumseh Road, approximately 100 meters east of the intersection of Huron Church Rd and Tecumseh Rd. Screenshots and a link to the video depicting the arrest is attached hereto as **EXHIBIT “D”**.
9. I have observed online video evidence of individuals in their vehicles attempting to comply with directions given by police while unnecessarily being held at gunpoint. A screenshot and link to the video depicting the incident is attached hereto as **EXHIBIT “E”**.
10. I have also been informed that videos exist on social media which depict abuse of power by Windsor Police in their arrest and treatment of protesters, including video of a gentleman being thrown to the ground and kicked by Windsor Police, and I am in the process of obtaining a copy of those videos;

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11. For clarity, the locations at which the above-referenced videos were captured are identified to the best of my knowledge and belief in the map attached hereto as **EXHIBIT "F"**.

12. I make this Affidavit in good faith and for no improper purpose.

Sworn remotely by Nicholas Wansbutter stated as being located in the City of Stratford, in the County of Perth, Province of Ontario, before me at the City of Windsor, in the County of Essex, Province of Ontario, on February 18, 2022, in accordance with O. Reg 431/20, Administering Oath or Declaration Remotely.

DocuSigned by:
Sherri Peroni
211B0629F0D4492...

Commissioner for Taking Affidavits

Sherri Marie Peroni, a Commissioner, etc.,
Province of Ontario, for Antoine d'Ailly Law
Office. Expires October 14, 2024.

DocuSigned by:
Nicholas Wansbutter
C46F8EE7B72748F...

Nicholas Wansbutter

This is **EXHIBIT “A”**
Referred to in the Affidavit of
NICHOLAS WANSBUTTER
Sworn before me this 18th day of February, 2022

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Sherri Peroni
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Sherri Marie Peroni, a Commissioner, etc., Province of Ontario, for
Antoine d’Ailly Law Office. Expires October 14, 2024.



 LIVE

B-1-240
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WATCH LIVE: PM Trudeau delivers address in the House of Commons

WINDSOR | New

Breakdown of 90 charges laid by police during Windsor protest



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NOW PLAYING

UP NEXT



Windsor mayor on Ambassador Bridge reopening



'This has to come to an protesters

B-1-241

Melanie Borrelli

Updated Feb. 15, 2022 11:50 a.m. EST

Published Feb. 15, 2022 10:11 a.m. EST

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Windsor police have released more details on the enforcement results since the onset of the protest near the Ambassador Bridge.

There was a total of 90 charges, [46 arrests and 37 vehicles seized](#).

"The Windsor Police Service and its policing partners worked collaboratively to achieve a peaceful resolution to the demonstrations on Huron Church Road near the Ambassador Bridge," said a statement from police.

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Demonstrators set up a blockade on Huron Church Road leading up to the international border crossing on Monday, Feb 7. The demonstrators were protesting COVID-19 mandates.

RELATED STORIES

- 42 arrests, 37 vehicle seizures made by police in Windsor protest

A court injunction was granted to have the blockade removed on Friday. Enforcement escalated to clear the protesters over the weekend with support from other jurisdictions.

Police say officers engaged demonstrators throughout the incident for the purpose of continued communication, negotiations, and enforcement. As a result, several charges were laid and vehicles were seized.

The [border reopened to traffic](#) on Sunday.

Breakdown of enforcement results:

- 46 arrests have been made.
- 37 vehicles were seized/towed since the onset of the demonstrations.

A total of 90 charges have been laid by police:

- 43 charged with breaching a court order
- 43 charged with mischief over \$5000.
- One person is facing a charge of obstruct justice.

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Breakdown of 90 charges laid by police during Windsor protest | CTV News
Feb. 13, 2022, 10:25 AM

- One person is charged with fail to attend court.
- One person was charged with dangerous driving.
- One person is facing a Highway Traffic Act Charge for Failing to Remain.



Police enforcement continues to escalate as several arrests are made near the Ambassador Bridge in Windsor, Ont., on Sunday, Feb. 13, 2022. (Chris Campbell / CTV Windsor)

There will be continued police presence in the demonstration area to ensure public safety, according to police.

“There will be zero tolerance for any unlawful activity,” said police. “There are ongoing investigations into the protestor's activity.”

Police are thanking the public for their patience and support.

RELATED IMAGES



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Police enforcement on Huron Church Road in Windsor, Ont., on Sunday, Feb. 13, 2022. (CTV News Windsor)

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Breakdown of 90 charges laid by police during Windsor protest | CTV News

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Breakdown of 90 charges laid by police during Windsor protest | CTV News

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MOST WATCHED

1



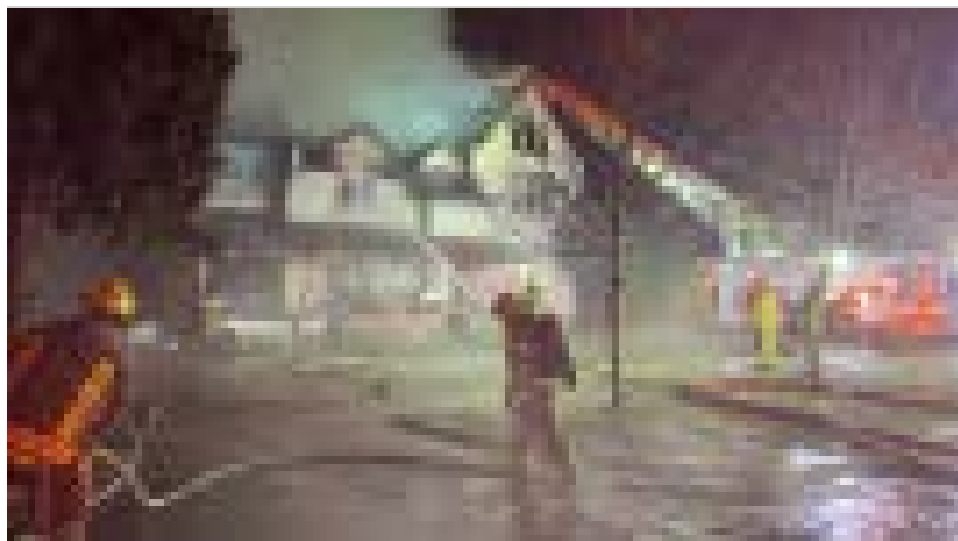
Shooting at high school an 'execution': police

2



Team Canada's women's hockey team beats U.S.

WINDSOR TOP STORIES >



B-1-248

UPDATED | Two people die after house fire in Wallaceburg

B-1-249

UPDATED | Winter storm warning in effect for Windsor-Essex and Chatham-Kent

School buses cancelled across Chatham-Kent and Lambton, running in Windsor-Essex

'Not a big difference': Travel testing changes fall short for border community

Windsor Regional Hospital to gradually resume non-urgent surgeries

Majority of Huron Church Road still blocked, commuter and school buses impacted

Ambassador Duty Free to offer rapid antigen tests

Suspected convoy heading to Windsor thwarted by police

B-1-249

B-1-250

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This is **EXHIBIT “B”**
Referred to in the Affidavit of
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Sworn before me this 18th day of February, 2022

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Sherri Peroni
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Sherri Marie Peroni, a Commissioner, etc., Province of Ontario, for
Antoine d’Ailly Law Office. Expires October 14, 2024.

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Video available at: <https://tinyurl.com/3jfvy3u>

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This is **EXHIBIT “C”**
Referred to in the Affidavit of
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Sherri Marie Peroni, a Commissioner, etc., Province of Ontario, for
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B-1-254



Video available at: <https://tinyurl.com/vd8e4nj7>

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This is **EXHIBIT “D”**
Referred to in the Affidavit of
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Sherri Peroni

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Sherri Marie Peroni, a Commissioner, etc., Province of Ontario, for
Antoine d’Ailly Law Office. Expires October 14, 2024.

B-1-256



Video available at: <https://tinyurl.com/yckknbye>

B-1-256

This is **EXHIBIT “E”**
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Video available at: <https://tinyurl.com/53ym3hfe>

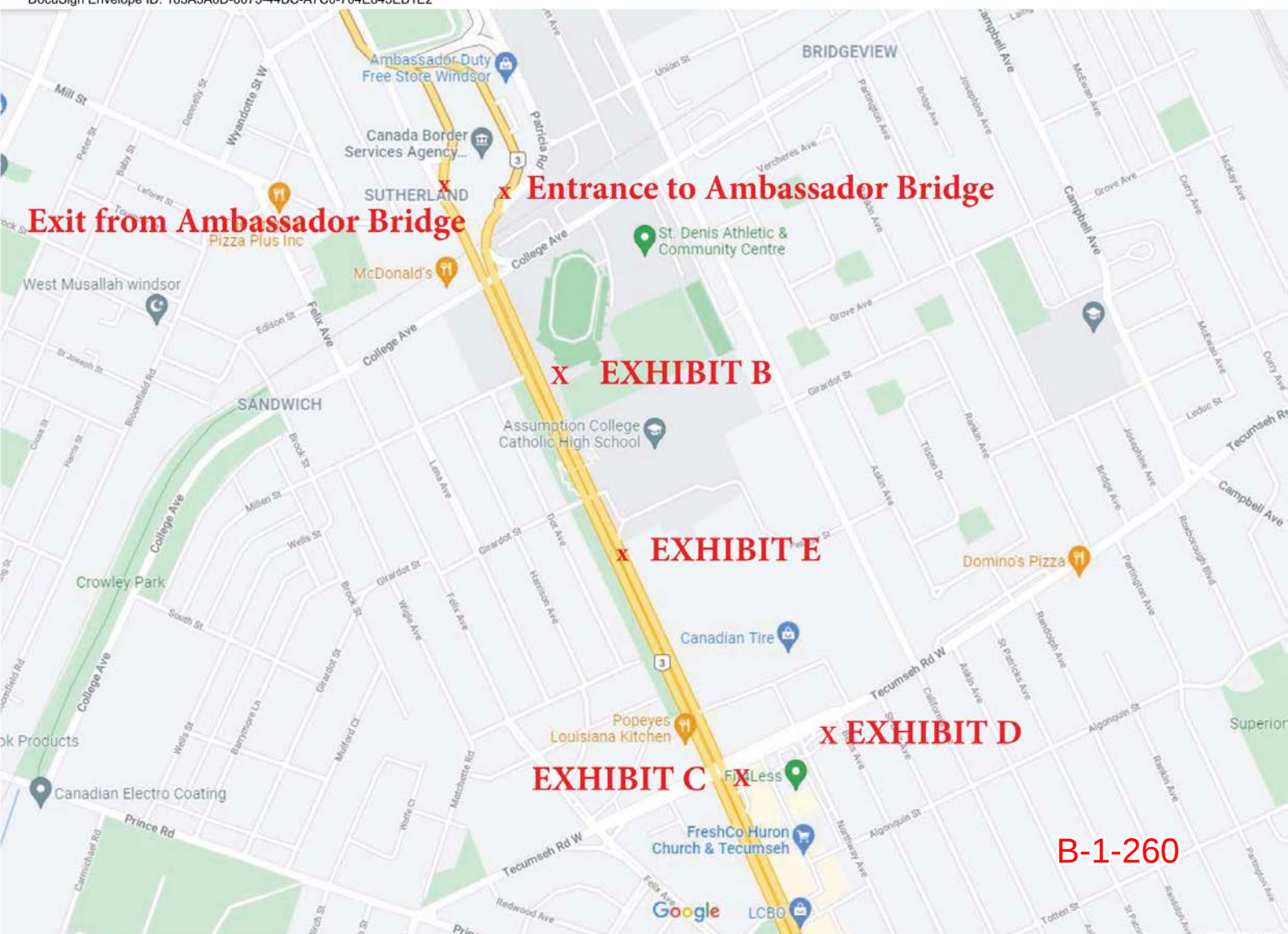
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This is **EXHIBIT “F”**
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**AUTOMOTIVE PARTS
MANUFACTURERS'
ASSOCIATION**
Applicant

- and -

JIM BOAK et al
Respondents

- and -

THE CITY OF WINDSOR et al
Intervenors

B-1-261

Court File No.: CV-22-00030791-0005

B-1-261

**ONTARIO
SUPERIOR COURT OF JUSTICE
PROCEEDING COMMENCED AT
WINDSOR**

**AFFIDAVIT OF NICHOLAS WANSBUTTER
SWORN FEBRUARY 18, 2022**

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